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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/603,753	06/25/2003	Charles T. Willoughby	GSC-04502/03	2152
7590	09/30/2004			
John G. Posa Gifford, Krass, Groh, Sprinkle, Anderson & Citkowski, P.C. 280 N. Old Woodward Ave., Suite 400 Birmingham, MI 48009-5394			EXAMINER SAWHNEY, HARGOBIND S	
			ART UNIT 2875	PAPER NUMBER
DATE MAILED: 09/30/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/603,753

Applicant(s)

WILLOUGHBY, CHARLES T.

Examiner

Hargobind S Sawhney

Art Unit

2875

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 24 October 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Claim Objections***

1. Claim 2 is objected to because of the following informalities:  
  
Claim 2, line 2, "may be moved" should be rephrased as – movable – for positive recitation;  
  
Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-4 are rejected under 35 U.S.C. 102(b) as being anticipated by Mori (U.S. Patent No. 4,428,031).

Mori ('031) discloses an illuminator 10 (Figure 2) comprising:

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- a housing 20 including a hollow interior with a light receiving end 40 and a light projecting end bearing a fresnel lens 2 (Figure 2, column 3, lines 10-12);
- an fiber optic 1 carrying light from a light source, remotely located, (not shown) into the interior of the housing 20 through the light receiving end 40 (Figure 2);
- a fresnel lens 2 mounted on the light projecting end of the housing (Figure 2);
- one of the two sides of the fresnel lens 2 bearing a set of grooves facing the interior of the housing (Figure 2, column 4, lines 9-11);
- the projecting end – the end bearing a fresnel lens 2 - of the housing movable forward and backward relative to the light receiving end 40 (Figure 2, column 3, lines 37-46);
- the light projecting end and the light receiving end being connected with a threaded coupling 42 enabling the light projecting end to be moved forward and backward relative to the relative to the light receiving end 40 (Figure 2, column 3, lines 37-46); and
- the fresnel lens 2 made of acrylic – transparent plastic – (Figure 2, column 2, lines 7-11).

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (U.S. Patent No. 4,428,031) in view of Belfer (U.S. Patent No.: 6,234,640 B1).

Mori ('031) discloses an illuminator 10 (Figure 2) comprising including a cylindrical light projecting end instead of that being conical as claimed by the applicant.

On the other end, Belfer ('640 B1) discloses a fiber optic replicant lamp 20 including a housing 20 with a conical light-projecting end (Figures 2a-2c).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the an illuminator of Mori ('031) by providing the housing with a conical light projecting end as taught by Belfer ('640 B1) for benefit and advantage of large area and to accommodate fresnel lens for light projection.

5. Claim 6 and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mori (U.S. Patent No. 4,428,031) in view of Li et al. (U.S. Patent No.: 5,430,620).

Mori ('031) discloses an illuminator (Figure 2) comprising including a housing member. However, Mori ('031) does not disclose the illuminator comprising;

- a mechanism mounting for the housing to a wearer's head; and
- a mechanism for pivotally mounting the housing to the wearer's head.

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On the other end, Li et al. ('620) discloses a surgical illumination system including an illuminator 2 including a mechanism 40 for mounting the illuminator housing on the wearer's head, and a mechanism 3 for pivotally mounting the housing on the wearer's head (Figures 1a-1c).

It would be have been obvious to one of ordinary skill in the art at the time of the invention to modify the an illuminator of Mori ('031) by providing the housing with amounting mechanisms as taught by Li et al. ('620) for benefit and advantage dynamic adjustment of the field of illumination.

### ***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Miller (U.S. Patent Nos. 5,268,977 B1 and Price (4,234,910 B1)

The above-indicated prior arts disclose an illumination device comprising some of the claimed features claimed by the applicant.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hargobind S Sawhney whose telephone number is on 571-272-2380. The examiner can normally be reached on 6:15 - 2:45.

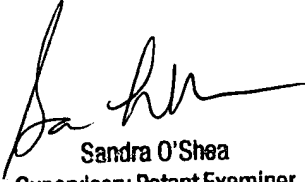
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sandra O'Shea can be reached on 571-272-2378. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306

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for regular communications and (703) 872-9306 for After Final communications and 703-872-9319.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number 703-308-2956.

HSS  
9/24/2004



Sandra O'Shea  
Supervisory Patent Examiner  
Technology Center 2800